

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

CAF & CS Dept – Essential Commodities Act, 1985 – Seizure of certain stocks from the premises of M/s ICY City Cold Storage Private Limited – Implementation of the Judgment of the District Sessions Court dated 4.6.2009 in Criminal Appeal No.396/2009 – Orders – Issued.

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CONSUMER AFFAIRS, FOOD & CIVIL SUPPLIES (CS.I) DEPARTMENT

G.O.Rt.No.94

Dated 13-09-2011  
Read the following:

1. Dist. Supply Officer, Guntur, EC Act case No.35/2009-S6, dated 17.9.2010
2. Orders of the Collector, Guntur, vide EC Act Case No. 35/29-S7, dt. 16.10.2009
3. Orders dated 4.6.2010 in Crl.Appeal No.396/2009 by the Hon'ble District & Sessions Judge, Guntur.

O R D E R:

The Deputy Tahsildar, Vinukonda has seized 1041.63 MTs of Redgram in 20,570 bags from the premises of M/s ICY City Cold Storage Private Limited, Kanmarlapudy village, Savalyapuram Mandal, for violation of control orders.

2. Based on the orders of the District Collector, Guntur, Tahsildar, Vinukonda auctioned the redgram to the highest bid amount and the same was credited to the revenue deposits. The District Collector, Guntur heard the case and passed final orders by releasing the value of the entire seized stocks to the Managing Director, M/s ICY City Cold Storage Private Limited imposing Rs. 50 Lakhs fine for non-maintenance of records properly.

3. Aggrieved by the orders of imposing penalty the Managing Director, M/s ICY Cold Storage Private Limited, filed appeal under section 6-A of the Essential Commodities Act, 1955 before the District and Sessions Judge, Guntur. The District & Sessions Judge, Guntur in his judgment dt.4 6.2010 observed as follows:

"In the result, the appeal is allowed, setting aside the impugned order passed by the District Collector and District Magistrate, Guntur in Essential Commodities Act case No. 35/2009-S7, dt. 16.10.2009, imposing fine of Rs. 50,00,000/- on the appellant/1<sup>st</sup> respondent for violation to maintain records properly in the Cold Storage under the proceedings of Section 6-A of the Essential Commodities Act. The concerned Authorities are directed to repay the fine amount in the event of collection of the said amount to the appellant/ 1<sup>st</sup> respondent, within 3 months from the date of this judgment or after expiry of time for revision under proper acknowledgment".

4. There is no provision for imposing penalty in lieu of or in addition to confiscation of essential commodities. There is only provision for paying a fine in lieu of its confiscation of the animal, Vehicle, vessel or other conveyance not exceeding the market price at the date of seizure of essential commodity carried by such animal, vehicle, vessel or other conveyance.

(P.T.O.)

5. In view of the above and Government after careful examination of the matter has decided to implement the judgment of the District Sessions Court, Guntur dated 4.6.2009 and hereby order to refund Rs.50.00 lakhs to M/s ICY Cold Storage Private Limited under the following Head of Account.

"1456 - Civil Supplies  
MH 800 - Other Receipts  
SH 996) - Deduct Refunds".

6. This order issues with the concurrence of Finance (Expn.AHFFCS&E) Department vide their U.O. No. dated 23678/158/ A2/ Expr.AHFFCS&E/2011, dt. 9.9.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARPREET SINGH,

EX-OFFICIO SECRETARY TO GOVERNMENT

To

The Commissioner of Civil Supplies, Hyderabad.

The District Collector, Guntur

The Dist Supply officer, Guntur

M/s Icy City Cold Storage Private Limited through the DSO, Guntur.

The Fin(Expn.AHFFCS&E) Dept.

PS.to Minister(FCS,LM,CA&LA)

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER